



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jaworski et al.
Serial No. : 09/883,797
Filed : June 18, 2001
Title : FATTY ACID ELONGASES

Art Unit : 1638
Examiner : E. McElwain

MAIL STOP RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 CFR §1.321(c)

Pursuant to 37 CFR §3.73(b), Cargill, Incorporated is the assignee of the entire right, title, and interest in the above application by virtue of an assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office on May 23, 2000 at Reel 010837, Frame 0532. Cargill, Incorporated also is the assignee of U.S. Patent No. 6,307,128.

The undersigned has reviewed all the documents in the chain of title of the above-identified application. To the best of undersigned's knowledge and belief, title is in Cargill, Incorporated.

The undersigned is empowered to act on behalf of the assignee.

Pursuant to 37 CFR §1.321(c), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term to be granted on pending claims 33-37 and 40-51 of the above-identified application subsequent to the expiration date of claims 8-20, 44, 51, and 58 of U.S. Patent No. 6,307,128, whereby the patent granted on pending claims 33-37 and 40-51 of this application and claims 8-20, 44, 51, and 58 of U.S. Patent No. 6,307,128 will expire on the same day provided that any patent granted on pending claims 33-

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

June 3, 2004
Date of Deposit

Jill Huso
Signature

Jill Huso
Typed or Printed Name of Person Signing Certificate

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Attorney's Docket No.: 07148-064002 / CGL99/0003,
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37 and 40-51 of the above-identified application shall be enforceable only for and during such period that it is commonly owned with claims 8-20, 44, 51, and 58 of U.S. Patent No. 6,307,128.

The assignee identified above does not disclaim any terminal part of any patent granted on pending claims 33-37 and 40-51 of the above-identified application prior to the expiration date of the full statutory term of claims 8-20, 44, 51, and 58 of U.S. Patent No. 6,307,128 in the event that claims 8-20, 44, 51, and 58 of U.S. Patent No. 6,307,128: expire for failure to pay a maintenance fee, are held unenforceable, are found invalid, are statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), are cancelled by a reexamination certificate, or are otherwise terminated prior to expiration of their statutory term, except for the separation of legal title as stated above. The assignee does not disclaim or otherwise affect any part of U.S. Patent No. 6,307,128.

This disclaimer runs with any patent granted on the above-referenced application and is binding upon the grantee, its successors or assigns.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

A check in the amount of \$110 is included herewith as required under 37 CFR §1.20(d). Please apply any other fees or credits to Deposit Account No. 06-1050.

Date:

June 3, 2004

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Respectfully submitted,

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